Dear Dick,

6/4/76

While I await a callback on a story let me update you in several areas, especially what I regard as a sensationally successfull hearing before the D.C. court of appeals (federal) yesterday. Remember, this is the court that in my JFK suit for the spectrographic analysis voted 9-1 against me, leading largely to revision of the law. And this is that refiled and updated suit, first filed under the new law.

We have turned them around. It appeas clear that all those early retirements from the FBI we have forced the four key ones - have been in vain so far as Justice is concerned. The appeals court said it requires first-person information to decide, that the record is deficient, without contradiction of my sworn allegations, and that as long as these men live for legal and please note historical reasons they must answer.

No more of that jazz about forever forfending me from my investigations. This time it was my rights and what the law means. They even ridiculed some of the language of the district judge.

So, I'm certain I'm going to be able to exercise discovery through the resigned FBI agents, by court direction. Justice's appellate lawyer, a glib, non-stop liar, nonetheless visible surrendered. He may got so whipped he honestly admitted that the FBI never consults with anyone, raising all the judicial brows and voices.

Lesar was so euphoric he gave the cabbie a tip of a third of the fare.

We talked some of it over. We agree that our unorthodox approach to building the record, a mixture of direct confrontation, vigorously stated and amply proven factual allegations and blunt charges - an overwhelming record - did the trick. One of the judges asked questions based on these things and received no satisfactory answer. We had taken a chance that they'd read and they did. The best case against our charge of deliberate perjury was the lame apology for mistakes in material fact under oath. The mistaker was one of the two in the audience. The other was Vader's top man on FOIA cases. His negative attitude years long changed, visibly and vocally. He regards what we have done as a major breakthrough.

You should know this for Barney's interest, not just as an indication of the change in temper now extending to the once-prejudiced judiciary. You can depose those who are no longer employees if their's is the first-hand knowledge. If the decision goes as telegraphed in the most direct judicial language.

Even the persisting effort to try the case on me and the prejudice against me no longer works. It was waived off as irrelevant, these allegations about what is in my mind, with the sharp comment that there was basis for complaint against the government's conduct. Our record is devoid of expressions of suspicion. It is of solid and amply-supported fact not contradicted under oath.

This rrally means that in all three current cases we now have the same and for the first time favorable situation.

I've had my callback and I have to get other things cleaned up so I can get on the tapes essential to the missing chapter of Part 2. One other thing you should know. I think I can be of further help to Barney in his suit. With him it is not as definitive as this new information from a dependable source I have to protect is on me. (Maybe even you, personally.) There has been extensive, the word of my source, tapping of me and intrusion into my mail. What I've learned is the one explanation I can think of for the CIA's apparent insanity in ignoring my appeal and practically forcing me to court. It is the lesser evil. You may have to amend of file new requests. The CIA was not alone in these kinds of operations.

If you want to talk about this further my next need to be in Washington is a week from yesterday if you have any business there with which this can coincide. However, it is clear that it would not be wise to use the phone on it. It has not been too many months since I caught what my own sources in the phone company tell me is a malfunction of a direct tap. The phone company executives in Baltimore, after a pretended check, refuse to tell me in writing that the check showed no intrusion. If you want to talk and won t be there next week, if you know when you will I will make it coincide with other business or make a special trip. Best,